

App. No. 10/661,312

Reply to Office action of December 3, 2004

REMARKS/ARGUMENTS

A. Summary of the Amendment

This is a full and timely response to the non-final Office Action dated December 3, 2004. Reexamination and reconsideration are courteously requested. By way of the present amendment, claims 2, 11, 16, 17, and 23 are amended. Further, claim 33 is added. Thus, claims 1 to 33 remain pending for the Examiner's consideration, with claims 1, 11, 17, 23, and 28 being independent claims.

B. Allowable Subject Matter

The examiner has acknowledged that claims 1 to 10, and 28 to 32 are allowed, and that claims 16, 24, and 26 to 27 are directed to allowable subject matter. Applicants thank the Examiner for a thorough examination of these claims.

C. Objections to the Claims

Claims 2, 16, and 17 are objected to because of an informality. The present amendment corrects the subject language.

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D. Rejections Under 35 U.S.C. § 102

Claims 11 to 13, 17 to 18, and 21 to 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,585,483 ("Feest"). These rejections are respectfully traversed, at least in view of the present amendment.

As a preliminary note, it is pointed out that although the Examiner cited U.S.C. § 102(b) as the basis for the rejection, the only paragraph of Section 102 under which the present rejection may be based is paragraph (e); Feest was published less than one year before the present application's filing date. This distinction is important for reasons to be subsequently discussed.

Claims 11 and 17 are the only independent claims that are allegedly anticipated by Feest. Claim 11 is presently amended to recite an annular air director that is integrally formed as part of an annular housing, and has an outer surface that includes a center point in alignment with the longitudinal centerline and extending toward the air inlet. Basis for the amendment is found in FIG. 3A and on page 7, lines 4 to 10 of the specification. Viewing FIG. 1 of Feest, it is clear that the inlet structure 15 includes an annular air director (not numbered) and a center point that is intersected by a longitudinal centerline (extending approximately from the center of inlet 16, where the number "15" is typed in the figure). However, the annular air director is flat at, and surrounding, the annular air director center point. Since Feest fails to teach or suggest that the annular air director center point extends toward the air inlet, it is respectfully submitted that the rejections of claim 11, and the rejected claims depending therefrom, should be withdrawn.

Regarding claim 17, the present amendment moves the term "titanium" from the preamble to the claim body. More particularly, the amended claim 17 recites that the entire unitary inlet structure, including the stator, is manufactured from a titanium alloy. Feest fails to teach or suggest that any part of the inlet body is manufactured from a titanium alloy. This deficiency is further evidenced by the Examiner's comment that claim 16, reciting a titanium alloy, is allowable. Thus, it is respectfully requested that the rejection of claim 17, and all rejected claims depending therefrom, be withdrawn.

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E. Rejections Under 35 U.S.C. § 103(a)

Claims 14 to 15, 19, 20, and 23 are rejected as being unpatentable over Feest when considered in view of U.S. Patent No. 3,006,603 ("Caruso"), or U.S. Patent No. 4,565,490 ("Rice"), depending on the particular claim being rejected. These rejections are respectfully traversed.

As mentioned previously, the only paragraph of Section 102 under which Feest is applicable as a prior art reference is paragraph (e). Feest is assigned to Honeywell International, Inc. Also, the subject matter of the present invention was, at the time of invention, owned by or subject to an obligation of assignment to Honeywell International, Inc. Under the American Inventors Protection Act, 35 U.S.C. §103(c) disqualifies commonly owned/assigned subject matter that qualifies as prior art only under 35 U.S.C. §102(e), (f) or (g). Because Feest is prior art under §102(e), and because it was and is owned by a common assignee, Feest is not a proper reference under §103. It is therefore respectfully submitted that the rejections under §103 should be withdrawn.

F. Conclusion

In view of Applicant's amendments and remarks, it is respectfully submitted that Examiner's objections and rejections have been overcome. Accordingly, Applicants respectfully submit that the application is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants attorneys at the below-listed telephone number.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time

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period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: FEB. 29 2005

By: 

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